

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SHAHNILA KHALIQ,

Plaintiff and Respondent,

v.

ASLAM SHAW,

Defendant and Appellant.

G054988

(Super. Ct. No. 07-CC-03543)

O P I N I O N

Appeal from a postjudgment order of the Superior Court of Orange County,
James J. Di Cesare, Judge. Affirmed.

Aslam Shaw, in pro. per., for Defendant and Appellant.

Law Office of Michael N. Berke and Michael N. Berke for Plaintiff and
Respondent.

*

*

*

Defendant Aslam Shaw appeals from the court's postjudgment order awarding \$25 in costs and \$86,748.40 in interest to plaintiff Shahnila Khaliq. Among other things, defendant contends we should reverse the court's order because it is based on a fraudulent stipulated judgment. But that judgment has been final for nearly a decade and defendant fails to address the actual order from which he appeals. Accordingly, we affirm the postjudgment order.

FACTS

In 2008, plaintiff and defendant entered into a stipulation for entry of judgment. Among other things, defendant agreed to pay \$100,000 to plaintiff. The court entered judgment pursuant to the parties' stipulation (Stipulated Judgment).

In December 2016, plaintiff filed a memorandum of costs seeking post judgment costs. Defendant filed a motion to tax costs and argued plaintiff was not entitled to costs because she and her attorney engaged in fraudulent conduct throughout the lawsuit.

In March 2017, the court granted the motion to tax costs in part. The court awarded \$25 to plaintiff for costs incurred to issue a writ of execution and \$86,748.40 in accrued postjudgment interest. The court also denied certain costs that were not permitted by statute.

DISCUSSION

Although defendant appeals from the court's order taxing costs, defendant does not point to any error committed by the court in connection with the costs themselves. Instead, defendant attacks the underlying judgment on the ground it was obtained fraudulently. According to defendant, plaintiff's attorneys "fraudulently

replaced” a page of the Stipulated Judgment, which is missing defendant’s initials.

Defendant also argues plaintiff and her attorneys fraudulently induced defendant to enter into the Stipulated Judgment when he was not in good health. Defendant further claims plaintiff and her attorneys committed fraud by filing their lawsuit instead of arbitrating the matter as required by the parties’ underlying contract. Defendant accordingly requests we reverse the order, set aside the Stipulated Judgment, sanction plaintiff and her attorneys, and award damages to defendant.¹ In his reply brief, defendant also requests we find the court had no jurisdiction to decide plaintiff’s ex parte application for the sale of defendant’s property because this appeal was pending.

Our review in this appeal is limited to the order appealed from, i.e., the order on the motion to tax costs. (*Soldate v. Fidelity National Financial, Inc.* (1998) 62 Cal.App.4th 1069, 1073 [““Our jurisdiction on appeal is limited in scope to the notice of appeal and the judgment or order appealed from””].) Any claims relating to the validity of the Stipulated Judgment, arbitration, or plaintiff’s ex parte application are outside the scope of our review. As plaintiff points out, defendant never attempted to set aside the Stipulated Judgment or compel arbitration in the last 10 years. And all of the arguments defendant raises would require extensive factual findings by the trial court.

Because defendant’s arguments have nothing to do with the court’s award of costs and interest, we affirm the order. We also deny defendant’s request that we take judicial notice of plaintiff’s ex parte application and defendant’s pending federal case. Aside from defendant’s failure to seek judicial notice by a separate motion (Cal. Rules of Court, rule 8.252(a)(1)), the documents are irrelevant to this appeal.

¹

Although defendant requests we set aside the Stipulated Judgment, he inconsistently contends he will file a separate suit to set aside the judgment.

DISPOSITION

The postjudgment order is affirmed. Plaintiff shall recover her costs incurred on appeal.

IKOLA, ACTING P. J.

WE CONCUR:

THOMPSON, J.

GOETHALS, J.